REMARKS

The remarks and the accompanying amendments are responsive to the Office Action made final and mailed June 3, 2005 (hereinafter, the "current Office Action"). Claims 1-44 are pending, of which claims 1 and 15 are independent method claims and claims 29 and 37 are corresponding independent computer program product claims. As indicated above, all of the independent claims 1, 15, 29, and 37 have been amended.

In the Office Action mailed December 21, 2004 (hereinafter, the "prior Office Action"), each of the independent claims 1, 15, 29, and 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,775,772 to Binding et al. (hereinafter "Binding"). The dependent claims were rejected as being either anticipated under 35 U.S.C. § 102(e) by Binding or as unpatentable under 35 U.S.C. § 103(a) over Binding, either singly, or in view of U.S. Patent No. 6,820,063 to England et al. ("England").[1]

Although the current Office Action issued a new rejection of these claims, the current Office Action did not withdraw the prior rejection of Claims 1-44 as being anticipated by, or rendered unpatentable, over Binding. Accordingly, these remarks will now explain why it is appropriate to withdraw the prior rejection of Claims 1-44. These remarks will then focus on the rejections of the current Office Action.

Applicants' invention, as claimed for example in independent method claim 1, relates to pre-licensing content subject to rights management in order to allow a principal access to the content when the principal does not have access to a rights management server. The method includes: receiving, by the message server, a message from a sending computing system. The message is subject to rights management in that access to at least a part of the message is controlled through a rights management server. The rights management server issues one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management. The message server also receives a publishing license from the sending computing system. The publishing license contains a rights expression identifying the at least part of the message subject to rights management, specifies one or more intended recipients

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[1]Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

for the at least part of the message subject to rights management, and specifies one or more rights for each of the one or more intended recipients. On behalf of one or more principals, the message server requests at least one use license for allowing the one or more principals access to the message, wherein the request includes the publishing license to identify the at least part of the message subject to rights management to the rights management server. The message server receives the at least one use license on behalf of the one or more principals so that the one or more principals may obtain the at least one use license from the message server and access the at least part of the message subject to rights management without having to request the at least one use license from the rights management server. The message server provides one or more of the use license to the one or more principles. Independent claim 29 recites similar limitations from the perspective of a computer program product.

Applicants' invention, as claimed for example in independent method claim 15, also relates to pre-licensing content subject to rights management in order to allow a principal access to the content when the principal does not have access to a rights management server. The method includes: determining that a message received from a sending computing system is subject to rights management in that access to at least a part of the message is controlled through a rights management server, the rights management server issuing one or more user licenses that allow one or more principals to access the at least part of the message subject to rights management. A publishing license also received from the sending computing system is used. The publishing license contains a rights expression that identifies the at least part of the message subject to rights management, specifies one or more intended recipients for the at least part of the message subject to rights management, and specifies one or more rights for each of the one or more intended recipients. On behalf of one or more principals, the message server then obtains at least one use license so that the one or more principals can obtain the at least one use license from the message server and access to the at least part of the message subject to rights management without the one or more principals having to request the at least one use license from the rights management server. Independent claim 37 recites similar limitations from the perspective of a computer program product.

Binding discloses piggy-backing a key exchange onto other already-required messages to minimize the overhead associated with setting up a secure browser-to-server connection. Abstract. In one embodiment, the client and server do not have a common message encoding

scheme, but accomplish security using four message exchanges. In the first message exchange, a client sends to the server a request for a particular Web page, and provides security sensitive parameters for that request in encrypted form using encoding scheme M1. The server does not understand encoding scheme M1, and so the server forwards the encrypted parameters to a trusted third party (TTP) in doubly-encrypted form using encoding scheme M2. The TTP understands both encoding schemes M2 and M1, and thus first decrypts using encoding scheme M2, and then finally accesses the security sensitive parameters using encoding scheme M1. In a third message exchange, the TTP sends the parameters to the server, but encrypts the parameters using encoding scheme M2, which is understood by the server. The server decrypts the parameters using encoding scheme M2, and uses the parameters to generate content for the client. In the fourth message exchange, the server sends the content back to the client encrypted using encoding scheme M3, and with enough meta-data to allow the client to decrypt the content using encoding scheme M3.

It is not entirely clear from the prior Office Action which of the client, server, and TTP is alleged to correspond to what feature of the claim. Although the prior Office Action alleges that the encrypted parameters correspond to a publishing license, that does not appear to be the case. The encrypted parameters are merely just parameters to be used by the server in responding to a request for a Web page. The encrypted parameters are not described to identify the at least part of the Web page request that is to be subject to rights management, are not described as specifying the intended recipients for the Web page request (or any portion thereof), and are not described as previously being acquired by a sending computing system. Since the description in Binding does not seem to align at all with the recited independent claims, there are numerous other ways that Binding does not teach or suggest the independent Claims. England also does not supply the missing features.

Accordingly, the prior rejections of Claims 1-44 as rejected under 35 U.S.C. § 102(e) as being anticipated by Binding et al. (hereinafter "Binding"), or as being unpatentable under 35 U.S.C. § 103(a) over Binding, either singly, or in view of U.S. Patent No. 6,820,063 to England et al. ("England") should be withdrawn, and thus withdrawal is respectfully requested. If this rejection is continued in the next Office Action, the undersigned respectfully requests clarification on what entity described by Binding is considered to be the sending computing

system, the rights management server, the message server, and the one or more principals as recited in each of the independent claims.

The current Office Action rejects all of the independent Claims 1, 15, 29 and 37 under 35 U.S.C. § 103(a) as being unpatentable over United States patent number 5,204,897 issued to Wyman (hereinafter "Wyman") in view of United States patent number 6,189,146 issued to Misra et al. (hereinafter "Misra"). The dependent claims are also either rejected under this same rejection, or using these same references in further view of England.

Wyman describes a licensing management system that includes a license server, which administers licenses (expressed as product use authorizations) to use particular software products. The Office Action alleges that the license server of Wyman equates to the recited message server of the claims. The license server does not itself create the product use authorizations, but receives them from an issuer, which the Office Action equates to the recited rights management server of the Claims. When a licensed product is started up, the license product makes a call to the license server, and requests to use the product in its current context. The licensing server then grants or denies access based on the appropriate product use authorization.

The independent claims (as amended) make clear that the sender of the message having at least a part that is to be subject to rights management is different than the rights management server itself. However, accordingly to the current Office Action, the alleged rights management server of Wyman (i.e., the license issuer) is also the sender of the message (e.g., the message containing the product use authorizations). Misra and England do nothing to make up for this lack of disclosure. Accordingly, even if the Wyman and Misra are combined[2], none of the recited independent claims are anticipated by, nor rendered unpatentable over, Wyman and Misra (either singly or in combination). The dependent claims are patentable at least for the reasons that their corresponding independent claim is patentable. Accordingly, withdrawal of the 35 U.S.C. 103(a) rejections of Claims 1-44 is respectfully requested.

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[2] The applicants do not concede that combination is appropriate. The issue of whether or not combination is appropriate does not need to be addressed for a complete response since even the combination does not teach or suggest every feature of the independent claims.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 13th day of July, 2005.

Respectfully submitted,

ADRIAN J. LEE
Registration No. 42,785
Attorney for Applicant
Customer No. 47973

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